IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.13016 OF 2005

Between:

K.Satyanarayana, S/o.Suraiah,

Age 46 years, Khalasi Helper,

O/o.Senior Engineer, Signals,

Rajahmundry.

..... PETITIONER

AND

The Divisional Signal

Telecommunication Engineer,

North, South Central Railway,

Vijayawada, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.13016 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> "..... Honourable Court may be pleased to issue appropriate writ, order or direction particularly in the nature of Certiorari in declaring the judgment dt.07.01.05 in MA 788/04 in OASR 4054/04 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad as illegal and quash the same and void DSTE/North/BZA, Memo No.B/P5/V/2000/01, dt.30.5.01, imposing the penalty of with holding of increment from Rs.3370 to 3440 in scale 2650-4000 with effect from 1.9.01 for a period of 4 years recurring, Sr.DSTE Memo No.B/P92/V/01/3(A), dt.13.3.02, conforming the penalty imposed by Divisional Signal and Telecommunication Engineer and ADRM/BZA, Memo No.B/P92/V/01/3®, dt.13.08.02 confirming the penalty of Sr.DSTE, BZA with all consequential benefits as due from the date of such reduction to restoration and pay benefits consequent on my restoration in the interest of justice declaring the same as arbitrary, illegal and voilative of Article 14, 16 and 21 of the Constitution and consequently direct the respondents to restore him to his original grade along with arrears from time to time from the date he was imposed with the penalty of reduction as admissible according to rules in the interest of justice."

The petitioner was given a major penalty of stoppage of increments. The further details pertaining to the background in which the punishment came to be given are not necessary for the present purpose.

Aggrieved by the punishment, the petitioner appealed to a statutory appellate authority, which appeal was rejected on 13.03.2002. The matter was further carried by way of a revision available under the appropriate statutory rules, which was also dismissed on 13.08.2002. The petitioner thereafter kept quiet for a period of almost two years and on 23.07.2004 he made a representation to the 4th respondent-General Manager. Complaining that there was no response to the representation dated 23.07.2004, the petitioner approached the Central Administrative Tribunal in OASR No.4054 of 2004 with a prayer as follows:

> " In view of the facts mentioned in para IV of this OA the applicant prays that this Hon'ble Tribunal may be pleased to direct the respondents herein to produce the records pertaining to the DSTE/North/BZA, Memo No.B/P5/V/2000/01, dt.30.05.01, imposing the penalty of with holding of increment from Rs.3370/- to 3440 in scale 2650-4000 with effect from 1.9.01 for a period of 4 years recurring, Sr.DSTE, Memo No.B/P92/V/01/3(A), dt.13.3.02, conforming the penalty imposed by DSTE and ADRM/BZA, Memo No.B/P92/V/01/3(RP), dt.13.08.02 confirming the penalty of Sr.DSTE, Vijayawada and quash the same by declaring them as arbitrary illegal and violative of Articles 311(2), 14 and 16 of the Constitution and consequently direct the respondents to grant him the annual increments as due from time to time together with arrears of salary, allowances promotion etc. with costs."

Along with the said O.A. the petitioner filed an application vide M.A.No.788 of 2004 praying that the delay in approaching the Tribunal be condoned. By its order dated 07.01.2005 the Tribunal declined to condone the delay for valid reasons. The facts narrated above clearly justify the order of the Tribunal. The petitioner appears to be under misconception that every representation to the higher authorities is required to be considered by such authority though there is no such legal obligation under any provisions of the law, and the pendency of such representations save the limitation. Unfortunately, that is not the legal position.

The writ petition is without merit and the same is dismissed at the admission stage itself.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

16th AUGUST, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.13016 OF 2005

(Per Sri Justice J.Chelameswar)

16TH AUGUST, 2005